

"Checker Brand Water Pack Sour Pitted Red Cherries Contents 1 Lb. 5 Oz. Packed by Webster Canning and Preserving Co. Webster, N.Y."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. 5 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On November 18, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed. On December 12, 1932, an amended decree was entered providing that the cherries be turned over to a welfare society.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20484. Misbranding of blended citrus fruit juices. U. S. v. Florida Fruit Canners, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28063. I. S. nos. 12548, 22274.)

This action was based on the interstate shipment of a quantity of blended citrus fruit juices, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Florida Fruit Canners, Inc., Frostproof, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 17, 1931, from the State of Florida into the State of Washington, of quantities of blended citrus fruit juices that were misbranded. The article was labeled in part: (Cans) "Contents 8 Flu. Oz. * * * Pomorang Pure Juices from Tree Ripened Citrus Fruits, * * * Florida Fruit Canners, Inc. Division of L. Maxcy, Inc. Frostproof, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 8 Flu. Oz.", borne on the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 8 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made on the label was incorrect.

On November 2, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20485. Adulteration and misbranding of tomato catsup. U. S. v. 50 Cases, et al., of Tomato Catsup. Default decrees of condemnation and forfeiture. Portion of product delivered to charitable institution; remainder destroyed. (F. & D. nos. 28408, 28413, 28414, 28415, 28416, 28417, 28426, 28682, 28828. Sample nos. 2759-A, 2760-A, 5879-A, 7294-A, 7295-A, 8389-A.)

These cases involved bottled and canned tomato catsup that was found to be adulterated with added gum; excessive mold also was found in samples taken from certain lots.

On June 16 and June 18, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 97½ cases of tomato catsup, remaining in the original unbroken packages in various lots at New Orleans, Baton Rouge, Donaldsonville, and Covington, La. On June 18, 1932, the United States attorney for the Western District of Louisiana filed a libel against 4 cases of the product at Opelousas, La., and 4 cases at Alexandria, La. On June 20, 1932, a libel was filed in the United States District Court for the Southern District of Ohio against 1,000 cases at Cincinnati, Ohio. On August 16, 1932, 45 cases of canned tomato catsup were libeled at Wilkesbarre in the Middle District of Pennsylvania, and on August 30, 1932, a similar action was instituted against 572 cases and 14 bottles of tomato catsup at Minneapolis, in the judicial district of Minnesota. The libels charged that the article had been shipped between the dates of February 11, 1932 and July 19, 1932, by the Midwest Food Packers, Inc. of Marion and Fowlerton, Ind., that it had been transported in interstate commerce from the State of Indiana into the States of